1 2 3 4 5 6 7 UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF WASHINGTON 8 JESSICA R. JONES ) NO. 11-40749 9 Debtor/Plaintiff COMPLAINT FOR ADVERSARIAL 10 VS. **PROCEEDING** LAKESIDE-MILAM RECOVERY 11 CENTERS, INC.; UBI No: 600487526 12 Defendant 13 COMES NOW the Plaintiff, Debtor, JESSICA JONES, by and through her Attorney, 14 **DAVID C. HAMMERMASTER** and alleges as follows: 15 I. 16 That Plaintiff is a resident of Pierce County, Washington and subject to the jurisdiction of 17 this Court. 18 II. 19 That Defendant, LAKESIDE-MILAM RECOVERY CENTERS, INC., (hereafter 20 referred to as "MILAM") is licensed to conduct business in the State of Washington and is 21 subject to the jurisdiction of this Court. 22 23 Complaint 24 Page 1 of 4

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On or about January 31, 2011, Plaintiff filed a Chapter 7 bankruptcy in the above-referenced cause number 11-40749. That 90 days preceding the date of filing bankruptcy is November 2, 2010.

## IV.

That as part of the Petition for bankruptcy, Plaintiff provided proper creditor's notice to Defendant, **MILAM**.

# V.

That Plaintiff, during all relevant times hereto, has been and continues to be an employee of Rainier School (hereafter referred to as "EMPLOYER").

### VI.

That Defendant had previously obtained a Court order and had issued a Writ of Garnishment for consumer debt owed by Plaintiff

### VII.

That Defendant's **EMPLOYER** pursuant and in answer to Writ of Garnishment paid \$613.40 on or about February 11, 2011, to **MILAM** which was after **MILAM** received notice that Plaintiff had filed a Petition for Bankruptcy.

### VIII.

At no time did Defendant seek to lift the Automatic Stay that stops all debt collections upon the filing of bankruptcy pursuant to 11U.S.C,§362

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1	VIX.
2	That Defendant violated the automatic stay by attempting to collect a debt during said
3	period.
4	X.
5	That the Defendant received additional notices in written form from Plaintiff's attorney
6	demanding a return of funds garnished and to cease all further attempts to garnish additional funds
7	which Defendant ignored and did not respond.
8	XI.
9	That Defendant, MILAM, has shown a complete disregard for federal bankruptcy law and
10	has intentionally violated the automatic stay provisions thereof.
11	$\mathbf{XII}_{\cdot}$
12	That the monies sought to be recovered by this action are exempt and have been claimed
13	exempt by the Plaintiff herein
14	XIII.
15	The funds sought to be recovered by this action are avoidable by the Trustee under 11
16	U.,S.C., 547(b).
17	XIV.
18	The Trustee has not attempted to avoid this preferential transfer.
19	XV.
20	That the property sought to be recovered by this action was not voluntarily transferred by
21	the Debtor
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XVI. 1 The Debtor did not conceal the property prior to it's seizure by the Defendant herein. 2 XVII. 3 The amount sought to be recovered by this action for each of the Defendant is more than 4 \$600.00, to-wit: \$613.40 from **MILAM**. 5 XVIII. 6 That, pursuant to 11 U.S.C. 547(b) and 11 U.S.C. 522(h), Plaintiff is entitled to 7 reimbursement of all wages garnished as described herein. 8 XVIIII. 9 That in consideration of Defendant's violation of the automatic stay, fees, penalties, and 10 attorney's fees should be assessed and awarded as the Court deems appropriate. 11 WHEREFORE, having stated the aforementioned allegations, the Plaintiff hereby prays 12 for the following relief: 13 1. Judgement against the Defendant, MILAM, in the amount of \$613.40. 14 2. An award of fines, penalties and reasonable attorney's fees and costs. 15 16 **DATED** this \_\_\_\_ day of May, 2011. 17 18 HAMMERMASTER LAW OFFICES, PLAC 19 20 21 WSBA #22267 22 Attorney for Debtor/Plaintiff 23

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